**DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I declare that:

My residence, post office address, and citizenship are as stated below next to my name. I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled

**A MESSAGING METHOD AND APPARATUS FOR SENDING AND RECEIVING MESSAGES
IN A CLIENT SERVER ENVIRONMENT OVER MULTIPLE WIRELESS NETWORKS**

☐ the inventor's declaration for said application being executed concurrently with the execution of this instrument; said application to be filed in the U.S. Patent and Trademark Office;

☒ said application having been filed in the U.S. Patent and Trademark Office on January 31, 2000 and given Application No. _____;

☐ said application having been filed under the Patent Cooperation Treaty on _____ and given Application No. _____, the United States of America having been designated.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge that duty to disclose information of which I am aware and which is material to the examination of the patent application in accordance with 37 CFR §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT International application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the space, any foreign application for patent or inventor's certificate, or of any PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Number	Country	Day/Month/Year Filed	Priority Claimed
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_____	_____	_____	_____
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I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

Application Serial Number	Filing Date
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_____	_____
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I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s), or §365(c) of any PCT International application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States of PCT International application in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose information known to me which is material to the patentability as defined in 37 CFR §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

Application Serial Number	Filing Date	Status (patented, pending, abandoned)
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_____	_____	_____
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Each undersigned applicant hereby appoints the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office-connected therewith: **George H. Spencer** (Registration No. 18,038), **Robert J. Frank** (Registration No. 19,112), **Norman N. Kunitz** (Registration No. 20,586), **Gabor J. Kelemen** (Registration No. 21,016), **John W. Schneller** (Registration No. 26,031), **Marina V. Schneller** (Registration No. 26,032), **Robert Kinberg** (Registration No. 26,924), **L. Allen Wood, Jr.** (Registration No. 28,134), **Ashley J. Wells** (Registration No. 29,847), **James R. Burdett** (Registration No. 31,594), **Michael A. Gollin** (Registration No. 31,957), **Catherine M. Voorhees** (Registration No. 33,074), **Gary L. Shaffer** (Registration No. 34,502), **Chellis Erika Neal** (Registration No. 36,877), **G. Abe Zachariah** (Registration No. 38,366), **Patricia R. Brown** (Registration No. 39,012), **Julie A. Petruzzelli** (Registration No. 40,769), **Catherine A. Ferguson** (Registration No. 40,877), **Michael P. Leary** (Registration No. 41,144), **Michael A. Sartori** (Registration No. 41,289), **Zayd Alathari** (Registration No. 42,256), **Fei-Fei Chao** (Registration No. 43,538) and Robert Babayi (Registration No. 33,471).

Direct all correspondence to:

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Phone No.: (202) 962-4800 Fax No.: (202) 962-8300

The undersigned hereby authorizes the U.S. attorneys named herein to accept and follow instructions from the undersigned's assignee, if any, and/or, if the undersigned is not a resident of the United States, the undersigned's domestic attorney, patent attorney or patent agent, as to any action to be taken in the Patent and Trademark Office regarding this application without direct communication between the U.S. attorneys and the undersigned. In the event of a change in the persons(s) from whom instructions may be taken, the U.S. attorneys named herein will be so notified by the undersigned.

I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Full Name of sole or first inventor: James M. ZOMBEK

Inventor's signature James M. Zombek Date 3-22-00

Residence: 21468 Halstead Drive, Boca Raton, Florida, 33482, U.S.A.

Citizenship: U.S.A.

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Full Name of second inventor: Richard K. SOBCHAK

Inventor's signature Richard K. Sobchak Date 3-23-00

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Citizenship: U.S.A.

Post Office Address: 6744 Marvin Avenue, Eldersburg, Maryland, 21784, U.S.A.

Full Name third inventor: Rudy G. BONEFAS

Inventor's signature Rudy G. Bonefas Date 3-23-00

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Citizenship: U.S.A.

Post Office Address: 1210 Bartus Court, Bel Air, Maryland, 21014, U.S.A.

Full Name fourth inventor: Donald J. EDWARDS

Inventor's signature Donald J. Edwards Date 3-23-2000

Residence: 16 Lamsden Court, Reisterstown, Maryland, 21136, U.S.A.

Citizenship: U.S.A.

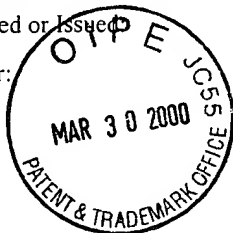
Post Office Address: 16 Lamsden Court, Reisterstown, Maryland, 21136, U.S.A.

Applicant or Patentee: James M. ZOMBEK et al.

Application or Patent No.: _____ Attorney Docket No.: 35825-157461

Filed or Issued: January 31, 2000

For: A MESSAGING METHOD AND APPARATUS FOR SENDING AND RECEIVING MESSAGES IN A CLIENT SERVER ENVIRONMENT OVER MULTIPLE WIRELESS NETWORKS



**STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(c))-SMALL BUSINESS CONCERN**

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN AETHER SYSTEMS, INC.

ADDRESS OF CONCERN 11460 Cronridge Drive, Owings Mills, Maryland 21117

The above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

Rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled: _____ by inventor(s) _____ described in:

- ☐ the specification filed herewith.
☐ application no. _____, filed _____
☐ patent no. _____ Issued _____

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities (37 CFR 1.27).

FULL NAME _____

ADDRESS _____
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

FULL NAME _____

ADDRESS _____
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 CFR 1.28(b)).

TYPEWRITTEN NAME OF PERSON SIGNING Brian W. Kean

TYPEWRITTEN ADDRESS OF PERSON SIGNING 11460 Cronridge Drive

Owings Mills, Md 21117

SIGNATURE [Signature] DATE: 3/15/00